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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 16TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C.BHARUKA

WRIT PETITION NO.14496/96

BETWEEN:

Md.Zahir,
s/o.late Sheik Budhan Saheb,
r/o.No.7, M.V.Ramaiah Block,
1st Cross, J.C.Nagar,
Bangalore-6.

..PETITIONER

(By Sri S.B.Mukkannappa, Av.)

AND:

1. K.S.R.T.C.,
Central Offices,
Bangalore-27,
by its Managing Director.
2. The Chief Civil Engineer,
KSRTC Central Offices,
K.H.Road, Shanthinagar,
Bangalore.
3. Vijayalakshmi,
Working as Jr.Stenographer (G-III),
O/O.Divisional Controller,
KSRTC Bangalore Central Divn.,
Subashnagar,
Bangalore-9.

..RESPONDENTS.

(By Sri L.Govindaraj, Adv.)

This writ petition is filed under Article 226 of the Constitution praying this Court to direct R-1 to appoint the petitioner to the post of Stenographer (Class III) or in the equivalent post.

This petition coming on for preliminary hearing this day, the Court made the following:

ORDER


The petitioner was appointed as a typist with effect from 12.11.1974. Though his initial posting was at the Bangalore Central Office but subsequently he was transferred to Civil Engineering Section. According to the petitioner since 1991 his seniority is being maintained in the Civil Engineering Section as per Annexure-R2. As per the said list he stands at Sl.No.11 whereas promotions to the post of Assistants have been given upto Sl.No.5.

2. It is not disputed that the petitioner is not entitled to be promoted to the post of Junior Stenographer because as per Rule 3(2) read with Sl.No.10 of the Schedule of the Karnataka State Road Transport Corporation (Cadre & Recruitment) Regulation, 1982 (for short "the Regulation") one of the qualifications required for promotion to the said post is that of passing Junior Shorthand in Kannada, which admittedly the petitioner does not possess. This fact has been admitted by the petitioner in his representation dated 24.4.91 (Annexure-D) made to the Managing Director. So far as promotion to the post of Assistant is concerned, as rightly stated by the respondent, he has to wait for his chance. Petitioner has made certain allegations regarding promotion given to some other employees of his

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cadre without having qualification of passing Junior Shorthand in Kannada. In paragraph 5 of the additional statement of objections it has been stated that except in the case of one Sharada, the other promotions have been given before coming into force of 1982 Regulation and the 1968 Regulations did not prescribe any such qualification. So far as Sharada is concerned it has been stated in paragraph 6 of the additional statement of objections that she had become eligible for promotion prior to 31.12.1982 i.e., before coming into force of the new regulation and therefore she was accorded promotion under Resolution No.5048 relaxing the qualification of Junior Shorthand in Kannada.

3. Counsel for the petitioner has also brought to my notice that the respondent-Corporation is maintaining a provisional seniority list ~~as~~ division wise as well as section wise and he is confused to understand as to under which seniority list his promotional opportunity will be considered. In reply to this the learned Counsel for the respondent has stated on behalf of the respondent that the division wise is maintained only for convenience sake and the promotional prospects of the petitioner will be considered only keeping in view ⁱⁿ his position /the ~~section~~ wise seniority list which is much



beneficial to him. It has been brought to my notice that as per Division wise seniority list the petitioner stands at Sl.No.141, whereas the promotions have been given upto Sl.No.104 *only*.

4. In the above view of the matter the respondents are directed to consider the case of the petitioner for promotion to the post of Assistant keeping in view his position in the Section wise seniority list. Subject to the said observations the writ petition is disposed of.



Sd/-
JUDGE

sgs/